

## REMARKS

Claims 1-23 are currently pending in this application. Claims 1, 8, and 20 are independent. Claim 8 has been amended to include the features of claim 1 as an independent claim. New claims 17-23 have been added to present additional aspects of the invention.

**Rejections Under 35 USC §102(e) – Tanaka et al.**

The Examiner rejected claims 1-5 under 35 USC §102(e) as being anticipated by US Patent Publication No. 2002/0191096 to Tanaka et al. (“Tanaka”). Applicants respectfully traverse the §102(e) rejection as the prior art cited by the Examiner fails to teach each and every element as recited in the claims.

Regarding claim 1, Tanaka merely discloses a digital camera having an image pick up section which may be rotated around an axis lateral to the direction of the main camera body (page 2, [0036]). Tanaka’s camera may take a picture at a fast speed and display an inverted picture in the monitor without using expensive and complicated circuitry (see page 1 [0008]). Specifically, Tanaka discloses a switch, labeled an “SPC switch, for detecting the presence of a PC cable. The SPC switch is turned on when the PC cable is connected to the main body of the camera for communications with an external computer. (See pages 3-4, [0059].) During operation, the camera checks to determine if the switch SPC is turned on, thus, indicating that a computer is connected to the camera by establishing a “PC mode”. When in PC mode, the power supply to the peripherals provided to the camera’s main body is turned on and the power supply to the image pick up section is turned off. (See page 5, [0077].) The purpose of connecting the digital camera to the computer is to provide communication between these two devices, to permit, for example, image data transmission. (See page 8, [0011]; Figure 23.)

Conversely, Tanaka fails disclose, at least “a mode setting device that sets a first mode for a function which is unrelated to functions of the camera,” as recited in claim 1 (Emphasis added).

Applicants submit that the PC mode, as described by Tanaka, is a function which is not unrelated to functions of a camera. As shown in Figure 23, Tanaka discloses that during PC mode, the computer controls components of the camera which are typically utilized for functions related to camera operation, for example, controlling the back light of display monitor 10 (see page 8 [0111]), or for the communications of digital image data between the two devices (page 8 [0111]; Figure 23). In fact, Tanaka fails to disclose a camera which performs any functions that are unrelated to a digital camera. Therefore, the connection of the camera to a computer as disclosed by Tanaka is to further facilitate that camera's functions, and therefore must be camera related.

Applicants strongly disagree with the assertion presented in the Office Action for the rejection of claim 2 (Office Action: page 2, section 2), that the PC mode disclosed by Tanaka is analogous to an electronic book function and/or an electronic notebook function. Tanaka fails to disclose in any way a camera having these functions as recited in claim 2. Tanaka merely discloses a camera having a PC mode to allow communications with a computer to facilitate camera related functions (e.g., the transfer of image data).

Applicants therefore respectfully request the Examiner to withdraw the §102(e) rejection of claim 1. Claims 2-5 depend from claim 1 and are therefore allowable by virtue of their dependency from allowable claim 1.

#### **Claim Rejections – 35 USC §103**

The Examiner rejected claims 6 and 7 under 35 USC §103(a) as being unpatentable over Tanaka in view of USP 6,204,887 B1 to Kiyokawa ("Kiyokawa"). Applicants respectfully traverse the §103(a) rejection because neither Tanaka nor Kiyokawa teach or suggest all of the elements recited in these claims. Claims 6 and 7 depend from allowable base claims. Applicants therefore submit that these claims are allowable by virtue of their dependency from this claim. Accordingly, Applicants respectfully request the Examiner withdraw the rejections of claims 6 and 7.

Claims 8-10, 12-13, and 16 are rejected under 35 USC §103(a) as being unpatentable over Tanaka in view of USP 6,515,705 to Fumio et al. (“Fumio”). Applicants respectfully traverse the §103(a) rejection of these claims because neither Tanaka nor Fumio teach or suggest all of the elements recited in these claims. Amended claim 8 includes the features of claim 1, and is allowable at least for reasons similar to those provided above for the allowability of claim 1.

Moreover, Fumio teaches an electronic camera having an image pickup unit (4) which rotates along the side of camera body 3 (col. 2, lines 44-47). A lens cover (8) is associated with image pickup (4) and is able to cover the optical lens pickup system (6) when image pickup (4) is rotated to an unused position (col. 2, lines 60-67; col. 5, lines 1-3). A micro-switch may be associated with image pickup unit (4) which turns off the external power when image pickup (4) is rotated to the unused position (col. 5, lines 9-21).

Fumio’s teaching are clearly distinguished by the features recited in claim 8, in that rotating the image pickup to an unused position, or turning off the external power to a camera, fails to teach, at least, “a mode setting device that sets a first mode for a function which is unrelated to functions of the camera,” as recited in claim 8.

Additionally, one of ordinary skill in the art would not be motivated to combine the teachings of Fumio with Tanaka, because, as described above, Tanaka fails to teach a digital camera having “a function unrelated to functions of a camera.”

Claims 9-10, 12-13 and 16 depend from allowable claim 8, and Applicants therefore submit that these claims are allowable at least by virtue of their dependency. Accordingly Applicants respectfully request that the Examiner withdraw the rejections of claims 8-10, 12-13 and 16.

The Examiner rejected claim 11 under 35 USC §103(a) as being unpatentable over Tanaka in view of Fumio and US Application Publication No. 2002/00120171 to Oeda et al. (“Oeda”). Applicants respectfully traverse the §103(a) rejection of claim 11 because neither Tanaka, Fumio nor

Oeda, either separately or in any combination teach or suggest all of the features of this claim. Claim 11 depends from allowable claim 8 and Applicants respectfully submit that this claim is allowable at least by virtue of its dependency. Applicants respectfully request the Examiner withdraw the rejection of claim 11.

The Examiner rejected claims 14 and 15 under 35 USC §103(a) over Tanaka in view of Fumio and Kiyokawa. Applicants respectfully traverse the rejection of these claims because neither Fumio nor Kiyokawa teach or suggest all of the features of these claims. Claims 14 and 15 depend from allowable claim 8 and are allowable at least by virtue their dependency. Applicants therefore respectfully request the Examiner withdraw the rejection of claims 14 and 15.


**Conclusion**


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
D. Richard Anderson, #40,439

  
DRA/JAV/jeb  
0879-0316P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000